

# **EXHIBIT 3**

# NIXON PEABODY

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September 29, 2016

Lawrence Angelo, Investigator  
U.S. Equal Employment Opportunity Commission  
Boston Area Office  
John F. Kennedy Federal Building  
Government Center, Room 475  
Boston, MA 02203-0506

RECEIVED  
SEP 30 2016

E.E.O.C.  
BOSTON AREA OFFICE

**RE: Hilcia Guarcas v. Atlantic Capes Fisheries, Inc.**  
**EEOC Charge No.: 523-2016-00431**

**Esdeyra Rosales v. Atlantic Capes Fisheries, Inc.**  
**EEOC Charge No.: 523-2016-00429**

**Margarita Fuentes v. Atlantic Capes Fisheries, Inc.**  
**EEOC Charge No.: 523-2016-00425**

**Mirna Pacaja v. Atlantic Capes Fisheries, Inc.**  
**EEOC Charge No.: 523-2016-00419**

Dear Mr. Angelo:

Please allow this to serve as Respondent's responses to your recent request for information. As previously discussed, Respondent maintains other operations in addition to IQF Custom Packing, LLC ("IQF"). Additionally, while there are individuals who work directly for ACF and/or IQF, there are a number of individuals who are employees of temporary staffing agencies who are assigned by those staffing agencies to work at the IQF facility. Based on the foregoing, you agreed to limit the scope of your requests where applicable as follows:

- Respondent is providing the requested information (which it maintains in the regular course of business) on ACF employees who work at the IQF facility, but not for ACF employees who are affiliated with other ACF facilities or operations.
- There are ACF employees who are based in Fall River – and who have offices or desks at the IQF facility – but who are engaged in purchasing and sales, marketing, and financial functions and therefore do not work as part of the IQF production team.

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You agreed that Respondent does not need to provide the requested information for such individuals.

- Because many of its workers are employees of staffing agencies on assignment to ACF, ACF does not have payroll records for these workers. For these individuals, Respondent is producing the spreadsheets it sends to the staffing agencies during the regular course of business. As previously outlined for you, these documents show hours worked and the rates of pay for the workers. (Note that when ACF emails these spreadsheets, it supports them with documentation, including sign-in sheets. When we spoke, you indicated that you did not need to see this supporting documentation at this time.)
- Unless otherwise noted, ACF provides information for the relevant time period as set forth in your request, from October 1, 2014 to the present.

#### REQUEST FOR INFORMATION

##### REQUEST NO 1:

An Excel spreadsheet that lists each individual employed by the Respondent during the relevant time period, including:

- a) first name;
- b) last name;
- c) street address;
- d) city;
- e) state;
- f) zip code;
- g) telephone number;
- h) email address;
- i) race;
- j) national origin;
- k) date of hire;
- l) an indication as to whether the individual is also an employee of BJ's Service Company, Inc.;
- m) each job title held while employed by the Respondent;
- n) dates of any changes to job title;
- o) salary or wage rate at date of hire;
- p) dates of any changes to salary or wage rate;
- q) dollar amounts of any changes to salary or wage rate;
- r) current employment status;
- s) current salary or wage rate, or salary or wage rate for the last full year of employment, if no longer employed;



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- t) total number of straight-time hours worked in each calendar year during the relevant time period (i.e., 2014, 2015, and 2016);
- u) total number of overtime hours worked in each calendar year during the relevant time period;
- v) date of termination/separation, if no longer employed; and
- w) reason for termination/separation, if no longer employed.

RESPONSE:

Please see flash drive for spreadsheet entitled, "IQF Employee Chart." Per the agreed-upon limited scope as outlined above, Respondent provides the requested information only for the individuals (1) directly employed by ACF/IQF and (2) who are based in Fall River and perform work related to the production team/IQF facility.

Further, because ACF does not formally request or maintain employees' race or national origin, this information has not been provided.

REQUEST NO 2:

An Excel file that contains earnings records for all pay periods and for all individuals employed during the relevant time period.

RESPONSE:

You agreed to limit the scope of this request to individuals employed by staffing agencies and for the time period from September 2015 to September 2016. Please see files in the attached flash drive labeled Response 2 (with subfolders by year and staffing agency (Empire Staffing, Inc. ("Empire") and BJ's Service Company, Inc. ("BJs"))).

REQUEST NO 3:

A PDF file that contains all documents reflecting all employment policies and practices applicable to Respondent's employees, including the Respondent's employee handbook and any policies regarding employment discrimination, in effect during the relevant time period. If there have been any changes or revisions to Respondent's policies during the relevant time period, please provide all versions and indicate the time period for which each was effective.

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RESPONSE:

See file labeled Response 3. Note that Respondent has been working on a modified Employee Handbook which has not yet been published/distributed to its employees.

REQUEST NO 4:

A PDF file that contains all documents pertaining to any complaint of sex, race, or national origin discrimination or retaliation for complaining about sex, race, or national origin discrimination made by any of the Respondent's employees during the relevant time period..

RESPONSE:

See documents provided with Respondent's Position Statement. See also file labeled Response 4. Note that the only formal complaints which have been made are those which form the bases of the pending charges; however, since January 2016, there have continued to be what appear to be interpersonal conflict between and amongst some of complainants, Mr. Santos and other workers. Respondent attaches such documentation here.

REQUEST NO 5:

A PDF file that contains a document that reflects the Respondent's current organizational chart, including names of all corporate officers.

RESPONSE:

See file labeled Response 5 for the most recent Organizational Chart that ACF maintains.

REQUEST NO 6:

An Excel file that contains the following information for all positions with supervisory responsibility that have been either open or available during the relevant time period:

- a. job title of the open or available position;
- b. date on which the position was posted, advertised, or announced;

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- c. date on which the position was filled; and
- d. name of the individual selected to fill the position.

RESPONSE:

None.

REQUEST NO 7:

A PDF file that contains the following information for each position identified in response to Item No. 6, above:

- a. job description;
- b. minimum qualifications required;
- c. the actual job posting, advertisement, or vacancy announcement; and
- d. list of physical spaces or media in which the job posting, advertisement, or vacancy announcement was published.

RESPONSE:

None.

Very truly yours,

  
Jessica Schachter Jewell